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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,174	02/08/2002	Per Nordvall	11709.51USWO	7954
23552	7590	12/23/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,174

Applicant(s)

NORDVALL, PER

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In regards to claim 1, on lines 2-3 the phrase "the sheet metal" and, on line 5, the phrase "a held sheet" are unclear. It is uncertain if the held sheet and the sheet metal are the same thing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson.

Jonsson discloses the same invention including a sheet metal forming tool (3) comprising a first part for performing a reciprocating movement capable of being substantially perpendicular to the sheet metal (4), produce by a means of a drive arrangement (11), in relation to a second part fixed to a stand (2), a bearing arranged between the parts (6), that the first part has elements for forming a held sheet (14 and

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15), that the bearing comprises at least one wheel (6) on a shaft (7) arranged on one of the parts (4) and a running surface for the wheel on the remaining part (2), that the surface faces the wheel and defines the reciprocating movement of the first part (2), that there are at least two wheels on the shaft arranged at a distance from one another (6), that each wheel is substantially enclosed by a housing (8), that each wheel has a partially protruding portion that protrudes through an opening facing the running surface (Figs. 1 and 2), that the opening lies substantially close up to each wheel (Fig. 2), that the shaft is fixed to the first part (Fig. 3), that the wheels are rotatably mounted on the shaft (6), that the distance between the parts is less than the thickness of the sheet (Fig. 2), that the radial distance between the peripheral surface of each wheel and its pivot bearing is greater than the distance between the parts (Fig. 1), and that each wheel protrudes less than 3mm or more than 0.3mm from the housing (Fig. 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Kobayashi et al. Jonsson discloses the invention but fails to disclose a sealing arrangement is designed to substantially seal a space between the first and second parts and the ability to substantially enclose the partially protruding portion. Kobayashi et al. teaches a sealing arrangement (6 and 7) to seal a space between a

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first and second part (3 and 4) and would have the ability to enclose anything within the sealed space (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Jonsson with a sealing arrangement, as taught by Kobayashi et al., to prevent any unwanted materials from entering a certain area.

Allowable Subject Matter

8. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 19 November 2004 have been fully considered but they are not persuasive. Applicant argues that the Jonsson patent does not perform a reciprocating motion substantially perpendicular to the sheet metal for forming or machining the sheet metal. In response, the claim does not disclose that the reciprocating motion has anything to do with the forming or machining of the held sheet. The only thing the reciprocating motion does is move substantially perpendicular to the sheet metal. Also, the apparatus of Jonsson is capable of moving substantially perpendicular to the sheet metal. Using Figure 1, of Jonsson, the apparatus is capable of working on a piece of sheet metal with the top and right side edge piece folded upward. With these upward folded sidepieces, the apparatus would move substantially perpendicular to the sheet metal. It is also not disclosed what part of the sheet metal the first part moves perpendicular to. Finally, the reciprocating movement does not form

or machine the sheet metal. The reciprocating movement comprises a forward movement and a retracting movement. The forward movement is the only movement that is capable of forming anything. The retracting part of the reciprocating movement is not capable of forming anything.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jung.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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December 15, 2004



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Supervisory Patent Examiner
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